

8/30/2018

John "Divine G" Whitfield - PEN America



The Freedom to Write

LOGIN A- A+

Select Language

DONATE NOW

ADVICE & ACTION

ARTISTS & READERS

FESTIVALS & EVENTS

PUBLISHED

ABOUT

CONTACT

[Home](#) > John "Divine G" Whitfield

JOHN "DIVINE G" WHITFIELD

I am a four time PEN award-winning writer. I am a playwright (*Pro-se*: 2003 & *Cell 13*: 2006), memoirist (*The Whitfield Files*: 2004) and screenwriter (*Absolver of Sing Sing*: 2007). I currently have two urban action/adventure novels published: *Money-Grip* (ISBN 0-9746199-3-0) published by Kreativemindz Productions. Street Knowledge Publishing has also scheduled my novel, *No Other Love*, for release in September 2007. I also have a short story, "Averted Hearts," featured in Triple Crown's anthology, *The Game . . . Short Stories About the Life*, and my play, *Peak-Zone*, will appear in a prison anthology published by New England College Press entitled *Exile*.

Join PEN America

Today

Get the latest news, updates, and events from PEN America. Sign up now to receive our newsletter.

Get Updates

Email Address

What's New



DARE: CNN fires back at Trump: 'CNN does not lie'



Trump's Rhetorical Attacks on Social Media Platforms an Inappropriate Threat of Government Censorship



DARE: Trump's economic adviser: 'We're taking a look' at whether Google searches should be regulated



DARE: Trump Wakes Up Complaining About Negative Google Search Results About Himself: 'Illegal!'

8/30/2018

The Whitfield Files - PEN America



The Freedom to Write

LOGIN x- A+

Select Language

English

ABOUT | CONTACT | WRITERS & READERS | ACTIVE | BENEFIT | PRESS RELEASES | NEWS | GIVE

Home > The Whitfield Files

THE WHITFIELD FILES

Translated By: John "Divine G" Whitfield
July 29, 2005

Author's Note

This is a work of nonfiction. The descriptions of events are based on personal experiences of the author, court transcripts, affidavits, law enforcement documents, reports, and audiotaped interviews, and legal files. The author also relied on works of legal and social science scholarship. Anonymous sources were not utilized and living victims, other than those who have chosen to speak in public, have not been presented. With the exception of the introduction and the closing remarks, the author refers to himself in the third person.

Introduction

Innocent people in prison are about as common as bad apples in a barrel. You take a barrel of 2 million apples and you are bound to find a considerable portion of them going bad. In many respects, this mimics the current situation in this country regarding innocent people incarcerated. In America, as of 2003, there were approximately 2 million people incarcerated, and just like those bad apples in a barrel, there are innocent people incarcerated who should not be there. These bad cases (or bad apples, for a better phrase) constitute a pus-soaking sore on the face of this country's moral integrity. Sadly, in a place where racism is so deeply entrenched in the social fabric, and with money being the driving force behind this prison industrial complex, convicting the innocent can only be expected.

It is estimated that of these 2 million citizens currently incarcerated, at least five percent of them are actually innocent. Five percent may sound like a small number, but 5 percent of 2 million equals 100,000, which is a staggering number for a country that claims to be the leader in democracy, which claims to propagate principles of justice, and equality for all. With the creation of DNA testing, this country is finally getting the opportunity to see

Join PEN America

Today

Join PEN America today and support the work of PEN America. We're taking a look at whether Google search results should be regulated.

Get Updates

Email Address

What's New



DARE, CNN fires back at Trump: 'CNN does not lie'



Trump's Rhetorical Attacks on Social Media Platforms an Inappropriate Threat of Government Censorship



DARE: Trump's economic adviser: 'We're taking a look at whether Google search results should be regulated'



DARE: Trump: 'Woke Up Complaining About Bizarre Google Search Results About Himself: Illegal!'

<https://pen.org/the-whitfield-files/>

1/17

RESPONDENT'S EX. D 0061

SPINOUT

The Whittaker Files • PEN America

first hand just how serious this issue is. In the local press and on national television, we are now seeing the wrongly convicted being released at an alarming rate due to DNA testing. Fortunately, for those lucky victims, the prosecutors and courts could not pretend not to see the truth, since DNA testing is irrefutable, and glaringly reliable scientific technology.

But what about the innocent victims who do not have DNA evidence in their cases? In every case overturned on the basis of DNA evidence, there were multiple witnesses who were absolutely positive the defendants were the culprits, yet DNA proved otherwise. It does not take a scholarly intellectual to figure out there are many other cases where similar mistakes have occurred, but the defendants are not fortunate to have access to DNA evidence. And what about law enforcement misconduct? It is equally well known that a significant number of police and prosecutors are notorious for fabricating evidence, encouraging perjured testimony, and concealing and destroying exculpatory evidence.

In 2000, the Cardozo Innocence Project conducted a study in the United States of 79 exonerations and found some very shocking discoveries. The factors prevalent in these wrongful convictions were wide and many. Eighty-two percent of the convictions were due to mistaken eyewitnesses; snitches or informants made up 19 percent; false confessions constituted 22 percent; ineffective assistance of defense counsel was present in 32 percent; prosecutorial misconduct played a part in 45 percent, and police misconduct existed in 50 percent. These contributory factors can be found in almost all unjust convictions throughout the country; they clearly contribute to the incarceration of the innocent and yet public outrage surprisingly seems quite minimal.

In light of the fact that police and prosecutors enjoy immunity (absolute for prosecutors and qualified for police), it is no small wonder they commit these crimes without batting an eye, and when it is done to minorities, they do it without losing a second's worth of sleep. Thanks to racism and the natural desire to remove cognitive dissonance, this behavior is looked upon as standard operating procedure. Indeed, anyone familiar with the legal system can attest to the large number of cases constantly being overturned for prosecutorial and police misconduct. In every city, in most courtrooms across the country, these violations occur and will continue to occur until violators are held accountable.

A perfect quote that sums up the state of our Criminal Justice System and how DNA testing factors into the question of innocence can be found in the introduction of the book *Actual Innocence* by Barry Scheck, Peter Neufeld, and Jim Dwyer:

Some times eyewitnesses make mistakes. Snitches tell lies. Confessions are coerced or fabricated. Racism trumps the truth. Lab tests are rigged. Defense lawyers sleep. Prosecutors lie. DNA testing is to justice what the telescope is for the stars: not a lesson in biochemistry, not a display of the wonders of magnifying optical glass, but a way to see things as they really are. It is a revelation machine. And the evidence says that most likely thousands of innocent people are in prison, beyond the reach of the

ALBERTS

CONTACT ARC



DAREEN TATOUR

accuracy computer speech

Censorship China Donald J
 Trump Egypt farbook fake news
 Fiction Freedom of Expression
 FreeE xpression free speech
 Human Rights India Iran Iran
 journalist Literature Liu Xiaobo Mexico
 Myanmar PEN America PEN Poetry
 Series PEN the poetry Press
 Freedom Prison Writing Russian
 Surveillance Translation
 Trump Turkey United States

8/10/2019

The Whitbeck Files - PEN America

revelation machine, just as there are more stars beyond the sight of the most powerful telescope. Most crimes, after all, do not involve biological evidence—blood, semen, hair, skin, other tissue—which means there is no genetic material to test.

It is beyond debate that judges are supposed to be the sentries that stand guard to protect citizens against over-reaching by police and prosecutors. Judges are sworn to safeguard our precious rights, rights that are designed to prevent the innocent from suffering wrongful incarceration. But what will be the outcome if tainted cases fall into the hands of judges who condone police and prosecutorial misconduct? Who then will protect an innocent citizen when the judicial system winks an eye at the illicit conduct of the prosecution and police? Just like there are unscrupulous police and prosecutors there are also unscrupulous judges. My case is one of those cases where the police, prosecutors, and judges were quite comfortable with ignoring the law. With the use of corruption, and cover up, the overwhelming evidence of my innocence have been ignored, deliberately misconstrued and downplayed by courts on the state and federal levels. After reading this story, you will ask the same questions so many others have asked. The most obvious question being, how could so much clear and convincing evidence of person's innocence be so conveniently swept under the rug? There are probably no conclusive answers to this particular paradox, but there are definitely quite a few theories. Whatever the reason for this travesty of justice, the fact remains that justice has not prevailed in my case, and from the way it looks, it will more than likely never prevail. Sadly, I am not the first person this has happened to, and obviously will not be the last.

In sum, my case may be "beyond the reach of the revelation machine," but it sure is not beyond the power of the public command. If justice is to occur in my case, it will obviously have to come from you, the reader. I have done all I can do (as you will soon see) and now I am at the final stage of this horrific ordeal, reaching out to the world to share my story. Honestly, I do not expect much to come about as a result of this endeavor, however, the mere process of exposing these dirty little secrets known only to a few, and knowing that the proceeds from this book may help prevent others from experiencing such an ordeal (my royalties are being donated to the Innocence Project) gives me some piece of mind as I rough ride the remainder of this brutal 25 years to life sentence.

Chapter 1

Harold "Shateek" Wesley pulled the semi-automatic 9mm handgun from his waist and pointed it at Jimmy Calibero, a.k.a. Rudolph Migliarese, who stood about six feet tall and weighed in at about 205 pounds. Shateek was a short dark skin brother with shifty eyes, conceited mannerisms and a nasty attitude for fast-talkin' folks. Shateek saw Jimmy's eyes light up with terror and said "Mufucka, you tryin' to get over on us?" With the other hand he held up the package of cocaine.

Patrick, Shateek's sidekick and Bunky, was leaning against a nearby car until he saw Shateek pull the weapon. He was now standing at attention, looking

8/30/2018

The Whitfield Files - PEN America

around at the Breukelen Project building windows because he just knew the sparks were about to fly

A flamboyant smirk tugged at Jimmy's lips, but his heart was pounding vibrantly. "That's lower than any price all over the City. What's going on here, Shateek, you slicking me up for my shit, man?" Jimmy/Rudolph saw Patrick was trembling and realized this was a sporadic move on Shateek's part.

"This is what happens when you try to play us!" Shateek said with clinched teeth, while inconspicuously scanning the late night terrain, and saw all the Project building windows were empty and the entire 108th Street in both directions was trafficless. The quarter moon overhead glistened like a halogen high-powered light bulb. Shateek started grandstanding, since the weight of the gun was gassing him up, giving him a sense of true power. "You think we stupid or something!" He took aim at Jimmy's chest.

Patrick was now looking more terrified than Jimmy. He said with a stuttering voice, "Come on, Jimmy, take this gee and the next time we'll make up."

"Ain't gonna be no next time!" Jimmy/Rudolph exploded with rage, "Fifteen hundred is the best price you gonna find anywhere. I'm already losing five hundred on this run. I can't give up no more than that." He locked eyes with Shateek and vowed in that moment that if he made it through this, he would put this cutthroat nigger's ass in a body bag complete with a toe tag and his very own ice laden bed in a city owned refrigerator. The only thought resonating through his mind and body at the moment was, You pulled that weapon, nigger, you better use it.

Shateek saw it in Jimmy's eyes. But, it didn't matter anyway, Shateek thought, since the outcome of this transaction was written in stone before this meeting was established. Since Street code 425.25 said you don't pull a gun on a high roller unless you intend on using it, there was no turning back. And, if the rumors were fact, Jimmy was rolling with a crew named body bag and they were terrorizing shit all over the East New York, Canarsie, and Brownsville sections of Brooklyn, thus, to let Jimmy walk away from this would be opening the door to a retaliatory strike from the blind side. With those facts contemplated, Shateek braced himself.

"You know what," Jimmy said humbly, "Keep that package, I'm outta here." He was about to head towards his double-parked cranberry colored car.

Shateek pulled the trigger. The first shot hit Jimmy/Rudolph dead in the head. As Jimmy fell, Shateek squeezed off two additional shots into his center-mass. He turned his head and saw Patrick was scared out of his mind, he instantly realized such a response spelled danger of the snitchin' kind. Shateek figured this might happen so he had a nice, simple solution already constructed. "Pull that gun and shoot him!" Shateek said as he took aim at his so-called homey. Since they both were from Queens, it unfortunately made them homeboys.

Patrick's heart flittered as he was about to plead for mercy, but the look on Shateek's face told him that he'll be lying next to Jimmy if he even tried it.

8/30/2018

The NYWorld Files - PEN America

Patrick frantically pulled his 9mm Mac 10 Uzi and fired a shot into Jimmy's motionless body.

The two took off, running through the Projects toward Stanley Avenue. Suddenly, they saw a woman approaching. Shateek stopped running and tried to tuck his weapon in his pants as they hastily walked by the woman, who looked like she was wearing a green jacket; sort of like an army coat or something, Shateek thought.

Moments later, Shateek and Patrick were in a black Plymouth heading back down Linden Blvd. toward Queens. The mood in the car was as silent and frigid as an Antarctic winter night; drug deals turned into sticks ups were never good for business relationships. Shateek was turning inwardly, since he expected Jimmy to have a larger supply of coke. But the sight of Ole arrogant ass Jimmy's body flinching from the impact of those bullets began to offset the anger and frustration.

Meanwhile, across town in the Crown Heights section of Brooklyn in a second-floor apartment on Prospect and Buffalo Avenues, John Whitfield, a.k.a. Divine G sat watching TV. In front of him, sitting on the coffee table was a 40-ounce of Ballantine Ale. Divine reached over and took a swig of the Ale. In the back room the bed squeaked rhythmically and was commingled with the soothing sexual moans of Black Supreme and a woman Divine and Supreme had picked up earlier when they made a stop at the bodega on Saint John's Street.

Divine sighed; his stress levels were at an all-time high. A little bit of everything was swirling through his thoughts all at once as he stared at the TV. He watched the screen, yet he had no idea what he was looking at because his mind was somewhere else. In exactly two months, on May 25, 1988, he had to turn himself in to begin a one to three-year prison sentence for possession of a controlled substance. After 23 years on this planet, he had fallen victim like so many others. This was his first bid and he was scared to death. The thought of running obviously crossed his mind, but so did his future. He'd gave up selling drugs immediately after he got caught, and now he wished he had had a similar rude awakening before he got arrested. Even though the police lied about finding the drugs on him, and never mentioned that they were chasing a culprit who got away, Divine wasn't totally mad because deep down he needed something to catapult him back to reality. But, in all fairness, Divine was still fuming at Jerry for discarding his bag of drugs, while running past Divine without warning him that he had tossed his slash. Although Jerry frantically told him the police was chasing him and tried to pull Divine along with him, the mere fact that Divine was clean and had no drugs on him, he felt no need to run. If only Jerry had said he had discarded his drugs, Divine wouldn't be on his way upstate, nor would he have stopped selling. It was a bittersweet deal, but which was which was still up in the air.

Supreme exited the back room, buckling his pants with a smile on his face. "Yo turn, Big Dee." His gold tooth smile was turned up full blast as he took a seat in the armchair and reached over for the 40-ounce. "What you waitin' for? Man, that was some good-ass pussy for a crackhead."

8/30/2018

The Whitfield Files - PEN America

Divine G continued gazing at the television as if he hadn't heard a word Supreme said.

Supreme stared at Divine. After a moment, he gulped down a huge swig of the Alo and then sighed with thirst-ridden relief "I see that little jive ass one to three got you stressed, huh?"

Divine G didn't respond

Supreme sat all the way up in the armchair. "Listen, Divine, you might as well go on in there and enjoy yourself. Sittin' around here twistin' your mind over that bid ain't gonna change the situation. Bro, you can do that little skid bid spinning on your head."

Richard Doyle, a.k.a. Shamol, stood on the corner of New Lots and Williams Avenues, trying to figure out how he was going to get his next blast. He'd just smoked two nickel vials of crack, but it simply wasn't enough to get him to that place where his ears would ring and pop and he would undergo an outer body experience. Richard Doyle earned the title for being the King of crack fiends, and held the first place title for staying up longer than any other crack-head from the Breukelen Housing Projects. The count was two weeks, one day and nine hours of ripping, running, robbing and smoking crack like a runaway locomotive. They say if it wasn't for Doyle tripping, falling, hitting his head on a parked car and subsequently knocking himself out, he might have gone much longer.

Scanning the terrain with wide-eyed animation, Doyle realized there was nothing he could do on New Lots. The only folks roaming the streets were players, hustlers, or crack smokers and dealers. The kind of people you can't pull a fast one over on without suffering severe consequences. Anyway, there was too much competition in this area at the moment and Doyle decided to try his luck in his own hood, the Breukelen Housing Projects.

Doyle completed the seven-block walk in eight minutes flat and turned onto 108th Street. The first things he saw were police cars, both marked and unmarked vehicles. A small crowd had formed and Doyle joined them. When he saw the yellow tape blocking off an area, and the police technicians moving about, he knew right away that a murder had occurred. Doyle saw Detective Robert Lincoln, a black man with a unique skill for banging out snitches and informants without breaking bones or bashing in heads. Doyle waved at Lincoln, but he gave Doyle a no non-sense smirk in response and then stared at Doyle. With nervous fervor, Doyle looked away and knew Lincoln was giving him the signal that he needed some information.

When Doyle made eye contact with Lincoln again, he noticed the stare had become less intense. Doyle gave Lincoln an inconspicuous nod, the signal assuring him that he was on the job and Lincoln went about his business. Doyle's stomach churned with excitement because he knew if he gave Lincoln something nice on this one, he would get a big juicy treat. Lincoln would give him crack for almost any information, but when it came to

8/31/2018

The Whitfield Files - PEN America

homicides he would get what was called "the bonus," which ranged from crack, money, get-out-of-jail-free cards, expensive meals, temporary celebrity status, and even the red-carpet treatment by DAs and higher-level police officials. Boy did these people love homicide eyewitnesses, even when they knew they were bogus. Doyle waited about three more minutes, and hastily left the scene. His crack craving had become unbearable, roaring like a hungry lion and needed to be fed immediately. There was a private house over on East 97th Street he'd been casing for a couple of days, and since he suddenly felt as risky as a felicitous feline, his thirst for a crack blast assured him that it was an excellent night for a cat burglary.

Divine G headed towards the door with Supreme and the crack head prostitute on his heels.

Mr. G, a.k.a. Gilbert Outlaw, who stood over 6 feet, 4 inches and was as burly and broader shouldered as a professional wrestler, said to Divine, "Hey, Dee, thanks for lettin' me borrow your car."

Divine stopped with his hand on the doorknob. "As much as you let me chill here at your crib, I'm the one who should be thankful."

"Why don't y'all stay a while, I got some blow."

The crackhead lit up with a smile and was already on her way back to the living room, but Supreme grabbed her arm. "Thanks, Mr. G, but we gotta go."

Divine said, "It's damn near 3 o'clock; tomorrow I got some things to do. I'll stop by during the week, but if you need the ride before then just let me know."

With that said Divine was out the door and behind the wheel of his ride. The sky-blue Buick Rivera Divine owned was the perfect car for a brother of his caliber; it wasn't too expensive, but it was sleek enough to symbolize good style and was not a known drug dealer's car.

After Divine dropped the crack head off on Troy Avenue, and then Supreme off at his girlfriend's crib on Franklin Avenue and President Street, he headed home.

During the twenty-minute ride back to the Braukelon Projects, all the jailhouse and prison war stories told to Divine by most of his friends wouldn't leave his thoughts. The additional thought of how Divequa, Karron and Dinsla (his children) were going to react when daddy disappeared for a year was battling for his attention.

As Divine turned onto 108th Street, approaching 543 (his mother's crib) he noticed a dark blue Detective's car parked on the sidewalk in back of the building. A DT car on the sidewalk meant something had happened and an investigation was underway. Divine turned into the parking lot of 543, and found a parking space. He entered the first floor apartment and fell asleep in minutes.

The next morning practically everybody was talking about the murder. The moment Divine rolled out of bed, his baby sister Sandra shared the news.

The Whitford Files - PEN America

Harold "Shateek" Wesley was still on a manic mission, dipping and dabbing into just about every illicit activity known to inner city hoodlums. When drug dealing was moving too slow, he trafficked guns from various States to New York. Then if that didn't produce the kind of results he was looking for, Shateek would do strong arm and bodyguard work for drug dealers or just outright rob them at gunpoint when the spirit moved him. He even

8/30/2018

The Whitfield Files - PEN America

contemplated becoming a full time contract murderer. As far as Patrick was concerned, Shateek had washed his hands on him after the Jimmy incident in the Breukelen Projects. In any event, Patrick had got his dumb ass arrested a couple of weeks after the shooting for some unrelated crime and copped out to a one to three at the arraignment. Shateek didn't even know what Patrick got knocked for and really didn't care. A couple of days ago, Patrick called him collect from Shawangunk Prison, begging him to send a few dollars. Shateek was tempted to hang up on Patrick, and the only thing that stopped him was the realization that he was once where Patrick was. Shateek knew how it felt to be broke and in prison. It wasn't a pretty feeling at all. Shateek promised to send him some chump change after he "took care of some business."

Shateek was now back in his sticking up drug dealers' mode. The date was June 8, 1988, approximately 10 a.m. and Shateek was sitting behind the wheel of the black Plymouth rental car on the corner of Amboy Street and Sutter Avenue. He had devised a plan of action that he knew was a winner. He'd been following this tall, slinky drug dealer around for about five days and had his whole routine down to a science. This was his last money pick up before he would go to the stash house in Bushwick to drop off his load, and it was apparent the drug money at this moment was huge and ready for the taking.

Shateek tensed up when he saw the slinky drug dealer pulled up in an old, beat-up brown Chevy Nova. Seconds after the target got out of the car, Shateek was out of his vehicle and in motion. He was glad this particular drug dealer was the type that parked his car a couple blocks away from the drug spot and walked to the location. Shateek waited in a nearby alleyway. When the slinky drug dealer returned, Shateek got the draw on him, pulled him inside the alleyway, confiscated his money, a large bag of marijuana and an automatic. Shateek almost blew a gasket when he realized the money was nothing more than pocket change. A thorough search produced nothing, and so Shateek, in a fit of rage, left the slinky dealer with a gift in the form of a tooth shattering slap in the mouth with the tech 9mm. If it wasn't for the fact that it was broad day, Shateek might have blessed this chump with a few hot slugs.

Shateek jumped in his car and sped off. No sooner than he hit the first corner and stopped at the red light, he saw Mr. Slinky through the rear view mirror running towards a blue Cadillac that had two men in it. Simultaneously, two other cars frantically pulled up as Slinky was excitedly pointing at Shateek's rental car. Shateek's confusion was more powerful than the shock. Where the hell did they come from!? Was all that registered in his puzzle-ridden mind as he ran the red light and almost caused a head on collision? Shateek could have sworn he had made sure Slinky didn't have any backup riders rollin' with him. Panic began to set in when he the three cars started rapidly gaining on him. When Shateek saw one of the passengers in the lead car reach out the window with a Mac 10 Uzi equipped with a silencer, a lightening bolt of fright almost paralyzed him. Several silenced bullets riddled the backend of the car, and Shateek saw death flash before his eyes. It was obvious he couldn't outrun the three cars.

4/30/2016

The Whiffled Files - PEN Amara

He one gun (and the shotgun in the trunk against seven machine guns (if one had an Uzi, they all had Uzis) spelled lights out for him. Despite all the hell he'd been raising since his release from prison, and his boasting about not fearing death, he suddenly realized he didn't want to die.

Shateek's mind was screaming, Escape! Get away! The tires on his car screamed when Shateek whipped the steering wheel. The incident now blossomed into a full-fledged car chase of movie-style proportions. The writing was on the wall as clear as day, there was no way he could fully escape his pursuers because sooner or later he would be forced to bring the car to a full stop, due either to a traffic jam or a collision. As Shateek approached Chester Street, he cut in front of a truck, causing it to crash into another car as the truck tried to avoid striking Shateek's car. Shateek turned the corner of Chester Street and saw a police car parked down the block on Linden Blvd. Shateek was so terror-stricken, there was nothing to contemplate. He would take a few years in jail over death any day. Momma always said only a fool would die senselessly instead of running in order to fight another day.

Shateek brought the car to screeching stop, bolted out of the vehicle and casually headed for the police car. The three cars that pursued turned the corner and the occupants saw Shateek walking towards the cop car. They slowed down their vehicles to an inconspicuous crawl as they crept by with all seven occupants staring at Shateek as he stopped and pointed at police officers Yohe and Walsh simulating a gun.

Shateek couldn't point out the cars chasing him because he felt uncomfortable about the mere thought of snitching. He couldn't finger them, but he damn sure couldn't let them murder him either. Officers Yohe and Walsh instructed Shateek to move away from the patrol car, but Shateek responded by making three gun shot sounds. Shateek looked down the block and saw the three cars waiting like starving hyenas about to feast on a wounded lion. Shateek thought quickly and came up with a solution: there was only one thing he could do. Shateek punched Police Officer Yohe in the face, and pretended as if he was about to run. In an instant, police revolvers flung out of holsters, hysterical screams were launched and the inevitable ass whipping pursued.

As Shateek was huddled in the back seat of the patrol car, he could almost feel the rage resonating from the drug dealers poised down the block. When they drove off in a defeated manner, Shateek smiled victoriously, but had he known this would be his second and last time he assaulted a cop, that devilish grin on his face would have been turned upside down.

Shateek paced back and forth in the jail cell of the 73rd Precinct, hoping his current plan to escape this predicament would work. After he was booked and charged with assault, possession of a weapon and a series of other major offenses, Shateek realized he was facing a life sentence. This would be his third violent felony, which would make him a persistent violent felon, and thus eligible for a life term on the back of anything they gave him. Now that the pressure and heat of the car chase was off his back, he realized he

8/30/2018

The Whittfield Files - PEN America

might have been better off taking his chances with the drug dealers. But, there was a way out of this, he was sure of it. It might violate the ultimate street code, but it could get him off the hook or at least soften the blow significantly.

Shateek had asked to speak to a federal agent. He insisted he had information they would want to know about. Shateek told the arresting officer that he was involved with an interstate gun smuggling outfit, and that was all the cop needed to hear.

ATF Special Agent Dobb Hamilton arrived and Shateek was escorted to a cozy office in the back of the precinct. There was a tape recorder sitting in the middle of the table, and before the record button was activated, Shateek immediately laid down his intentions to cut a deal in order to get around his current predicament. In accordance with universal investigatory procedures, Special Agent Hamilton told Shateek that he couldn't promise him anything until he heard what he was giving up, but if his information revealed something helpful and was truthful, he promised to do his best to assist Shateek.

The moment the record button was pressed, Shateek rattled on and on about any and every illicit activity he was involved in or heard about. He talked extensively about his drug-dealing exploits, his gun-trafficking activities, and even the Jimmy Calibero/Rudolph Migilarase homicide. Shateek mentioned names and connected them to the applicable illicit activities. As he really got into the interview, Shateek's guilt due to the fact he was snitching disappeared and his desperation was slowly being extinguished by Special Agent Hamilton's responses to certain information. The homicide definitely had a firm hold on Hamilton's attention. This encouraged Shateek to give up all the details, the who, what, when, where, why and how of the whole thing. At first, as a way of testing the waters, Shateek mentioned the murder, but didn't give the name of his co-defendant or go into any major details. He merely told agent Hamilton that his partner in this crime was upstate serving a one to three year prison sentence. Then he would jump to other issues, often times shifting gears without even indicating he was doing so. He sensed some of his dialog may have appeared to be rambling and disjointed, but that didn't matter because he just knew he had the ATF Agent where he wanted.

The date was June 19, 1988. It was 7:30 in the morning. Richard Doyle was on his way to rob a house over on Holmes Lane and was in the passenger seat of a green stolen car. Behind the wheel was Scott Ball, a dark skin man with high cheekbones, who was Doyle's temporary crack smoking partner for the day. When they arrived at 15 Holmes Lane, a two-family house, they saw everything was in order. They parked the car a block away and went to work on the rear door of the upstairs apartment. With a screwdriver, Doyle began prying open the door.

Inside the downstairs apartment, Sal Marsigliano and his wife Terry were snatched out of their sleep by the sound of glass breaking. It took a fraction of a second for Sal to realize someone was breaking into his aunt and uncle's

EXHIBIT D

The Whitfield Files - PEN America

Luann and Tony Balanos's upstairs apartment. Sal and Terry ran to the front door and saw Doyle and Bell. Sal then raced to the phone and called the police. When Sal hung up the phone, the sound of the door being ripped open made him realize he had to do something very quickly or else he would soon be face-to-face with those criminals. It was evident the police wouldn't get here before the burglars entered. Terry frantically insisted he call their neighbor, Jimmy Kennedy, who was a retired police officer. Tony speed-dialed Jimmy's number. Despite his grogginess from suddenly being awoken from a deep sleep, Jimmy assured Tony that he was on his way over. Richard Doyle and Scott Bell had broken through the outer door and were now inside the vestibule, working on the door leading into the living room. As Richard Doyle was wedging the screwdriver in between the door, Jimmy Kennedy approached the house. Doyle and Bell tried to flee, but due to Jimmy's years of police training, it took him seconds to subdue Doyle and Bell with minimal assistance from Sal. During the standard pat frisk, Jimmy found two vials of crack and a crack pipe on Richard Doyle. Police officers Robert B. Bieniek and Angel Court arrived in a marked vehicle; they interviewed Sal, Terry and Jimmy, took extensive notes and whisked Doyle and Bell away to the 69th Precinct.

Later that day, Doyle and Bell entered the partially filled bullpen in the Criminal Court holding area and instantly saw Harold "Shateek" Westley looking totally stressed out. Shateek, Doyle and Bell greeted each other with handshakes; the three men knew each other from their public-school days, before Shateek caught his first bid and his family had moved out of the Breukelen Projects.

Shateek had no shame showing just how distraught he was about his predicament. They had played him like broken flute. Not only did ATF Agent Hamilton not cut him a deal, but he was also helping the Kings County DA take him down for the March 25, 1986 murder. Shateek was flaming with rage and when he got in such a frame of mind, he vented by talking about the situation, as if by discussing it he could somehow miraculously change it. Shateek paced while he literally whined about how the ATF agent had double-crossed him.

Bell instantly became frustrated with Shateek's whining and his constant mentioning of the name John Whitfield as if he was about to snitch on whomever this guy was. He kept mentioning some shooting incident in Marsh and Bell was becoming disgusted by Shateek's desperate like behavior. Bell excused himself and took a seat on the other side of the bullpen.

Shateek suddenly stopped pacing when an idea hit. "Yo, check it, I might be able to escape out that window." He pointed excitedly and saw Doyle nod his head. "We gonna need somebody to look out for us." Doyle approached Bell and whispered in his ear, asking him to help with the scheme to break Shateek out through the window.

Bell squinted his eyes as the disbelief had set in; these fools have completely lost their damn minds, he thought. This holding pen was on either the eighth or the ninth floor, and unless Shateek had wings, it was

8/30/2018

The Whitfield Files - PEN America

obvious he wasn't going anywhere. "Man, I'm not getting involved in that," Bell said, causing Doyle to go back over to Shateek. Bell sat watching Doyle and Shateek tinkering with window, while talking to each other.

It took Shateek and Doyle less than two minutes to figure out the escape scheme wasn't going to work. Shateek flopped down on the bench distraught. With both hands holding his bowed head, Shateek mumbled, "I gotta find a way around this shit, man. I can't do another bid."

Doyle allowed his scheming mind to run amuck, and after a moment he probed in a nonchalant fashion, "So you mean this ATF agent was trying to make it look like D.J. Divine mean John Whitfield was down with the murder?" He saw Shateek nod his head. "Looking at this whole picture, that ATF dude was giving you a hint." He saw he now had Shateek's full attention. "You know what? You might be able to put all this shit on Divine. You can say he planned the whole thing, and if you go all out on him, I'll back you up."

Shateek's desperation-ridden mind was grabbing on to anything placed in front of it. "Yeah, that might work." Shateek perked up, and after a moment his depression returned when other facts entered the equation. "I don't know, man. This ATF dude was twistin' up the facts." What Shateek really wanted to say was that the ATF agent had got most of the information mixed up, since both Divine and Patrick were in jail serving one-to-three-year prison sentences and he was jumping all over the place, often times failing to warn the ATF agent that he was jumping to a different topic. Shateek felt apprehensive about Doyle's scheme because later on in the interview he had specifically told ATF agent Hamilton that Patrick was his co-defendant, not Divine. But right now Shateek was desperate, and decided to give it a try anyway. "On second thought, I think it might work. This is how we can do this..."

Richard Doyle's mind churned with in-depth realization as Shateek rattled on. His personal plan of action was officially ready to fly. Boy, was Lincoln going to love this! He had saw Lincoln just before he entered the bullpen area and was certain Lincoln was behind him being placed in this bullpen with Shateek. Doyle struggled to stop himself from fidgeting with excitement. This was a guaranteed get out of jail free ticket if ever there was one, and to top it off, he had a beef with D.J. Divine. Doyle sighed with delight because it was apparent if the police and the DA thought Divine and Shateek were partners in the murder, he could smoothly step into the picture and play this thing to the hilt.

The mere mentioning of Divine's name made Doyle sizzle with animosity. He and Divine had numerous conflicts, but the one that was stuck in his mind was that day when Divine humiliated him on Glenwood Road in front of a huge crowd. The incident flashed across his mind and he remembered it as if it happened a few hours ago. Doyle had tried to steal a bag of groceries from the car of Divine's sister Sharon. She had parked her car, left the doors unlocked, entered the store and Doyle couldn't resist the temptation. A guy named Jakwan saw Doyle entering the car, ran around the corner and told Divine what he was doing. Divine had beaten him mercilessly as the taunting

8/10/2018

The Whitfield Files - PEN America

crowd formulated; it was the type of beatdown no red-blooded crackhead could ever forget. Doyle told Divine that "paid back is a bitch" and now he was finally getting the opportunity to show Divine just what he meant by the statement.

Bell sat observing Doyle and Shateek talking. By their mannerism it was clear they were scheming on something. It amazed Bell how Shateek was now acting like a cold-blooded, weak-ass coward, instead of the heartless hard rock he pretended to be when he was on the street. Suddenly, Bell saw a man in a suit come to the gate and called out the name "Harold Wesley." As Shateek approached, Bell heard him say, "Listen, he knows something," referring to Richard Doyle, who also approached the gate. Bell observed the three men talking. Bell almost jumped out of his skin when the man in the suit, who looked like an Assistant District Attorney called him to the gate, and asked him did he "know anything about this incident that happened in the projects?"

Bell answered, "No, I'm just here on a burglary charge."

The man in the suit probed, "You know somebody by the name John Whitfield, and his involvement in this incident?"

Bell said, "I don't know what you talkin' about."

The man in the suit told Bell to go sit down, as if he was upset. Bell sat back down and watched the three. After a moment, Bell saw the man in the suit leave and Doyle and Shateek went back to their original spot, apparently to discuss what just happened. About a minute later, Bell tensed up when Doyle approached him. Doyle told Bell that he should have said he knew John Whitfield was involved in that incident that happened in March. Bell wanted to say to Doyle, what fuckin' incident are you talkin' about? But he simply let Doyle do all the talking. Doyle told Bell he did not like this John Whitfield dude and that he was blaming him for that incident that occurred in the projects. Just before Doyle went back to where Shateek was sitting, Doyle said, "Ain't no need to worry about the burglary charge against us: I hooked it up, we gonna be home before the day is out." Doyle then went back over to Shateek.

Shortly thereafter Shateek was called out of the bullpen to see the Judge, and then Doyle was called out next. When the court guards called Bell out of the bullpens, he thought he was going in to see the Judge, but when they told him he was being released without seeing a Judge, the disgusted attitude he had all throughout this ordeal had transformed into shock.

Chapter 3

ADA Paul Maggiorio smiled as he hung up the phone and leaned back in his chair. Suddenly, ADA John Holmes entered Maggiorio's office, and saw the smile on Paul's face.

John cracked a smile. "Good news?"

Paul nodded his head and said, "The Migherese case."

"It worked?" John's eyes were wide with excitement.

8/30/2016

The Whitfield Files - PEN America

"Don't it always do?" Paul said as he shifted through the folder in front of him. "Mr. Doyle is a class A case maker. Put him in the right situation with just the right amount of pressure and he'll walk and talk the way we want him to. Lincoln said it would work."

"What he do?" John inquired. "It's been over a week since we released him and his co-defendant. I honestly thought this was a blank shot."

"He's on his way here with Lincoln. Mr. Doyle went to the 69 Precinct, claiming some men pulled guns on him because they thought he was snitching on Mr. Wesley." Paul rose to his feet, gathered the files on his desk, and exited the office. John followed. As Paul walked down the hall, he said to John, "From here on, I want you to take special precautions with everything you write down regarding this case. Also, contact the Department of Corrections and have them put a hold on a John Whitfield."

"This the person Harold Wesley mentioned on the tape, namtd Patrick?"

"No, it's the Divine he mentioned."

"But I thought Wesley said his co-defendant was a man named Patrick from Queens."

"According to ATF Agent Hamilton's reports, the DDSs and all the other police reports, Wesley said his co-defendant in the murder was a man named Divine." Paul frowned at the look on John's face. "Come on, John. This is one-of-one stuff here. It's all about what we can prove. Doyle said he saw Shateek and Divine commit the murder, so Mr. John Whitfield, AKA Divine is the person who will be charged with Mr. Harold "Shateek" Wesley."

Divine sat in the window seat of the moving van, chained next to another prisoner. The tranquil upstate scenery in conjunction with the sunny July afternoon was a beautiful sight for liberty-deprived eyes; but the pleasurable visual surroundings had no effect on Divine in view of his current state of mind. Before Divine was ushered onto the van, the Downstate prison guards told him he was on his way back to court. As a result, Divine was currently experiencing a new breed of stress because he had no idea why he was going back to court. He wasn't naive enough to believe the system had made a mistake with his sentencing and was going to let him go, a premise he desperately wanted to believe would happen, but subconsciously he knew his mind was toying with the world of fantasy. No black man in America was that foolish enough to think he would be let go after only serving a little over a month on a one year sentence. After Divine allowed numerous scenarios to tumble around in his mind, he came to the conclusion it was going to be something unfavorable. Judge Douglas was probably going to take back the one-to-three and give him a longer prison sentence.

Divine landed at Rikers Island, C95, 18-18 Hazen Street, East Elmhurst, NY, 11370, and saw that all the horrific rumors about this humongous jail being one of the most violent in the nation was true. This was Divine's first long term stay on "the island" as it was called by its residents. The moment he

<https://pen.org/the-whitfield-files/>

EXHIBIT D

6/30/2015

The Whitfield Files - PEN America

entered the Cos receiving area, a razor slashing was in progress. A black guy who was visibly a trouble-making, wanna-be hard rock was arguing with a short, skinny Hispanic guy, calling him all kinds of disrespectful names while waving his hands in the guy's face. Suddenly, out of nowhere, two other Hispanic guys did a double drive-by on the troublemaker's face, giving him what was known as the infamous "huck-kitty." However, in this case, since it was a double razor slashing, it would be fair to say he got blessed with three bucks (150 x 2 = 300 slashes = 3 bucks). Divine instantly realized this was going to be one helluva test when the guards simply dragged the profusely bleeding guy out of the bullpen, acting as though breaking up this harrowing assault was as routine as tying their shoes.

Years later, it would be revealed that Rikers Island at this time was the most violent era this jail had ever seen. In the mid 1980s to the mid 1990s, stabbings, razor slashings, rioting, savage assaults, and murders were at their all-time high. It had gotten so bad, it took the premeditated creation of an unconstitutional Emergency Response Unit to bring the violence down to bearable levels. However, the most appalling aspect regarding this ma

ADDENDUM

WRITERS AT RISK
TAKE ACTION

LITERATURE

TRANSLATION COMMITTEE

LITERARY AWARDS

WORD VOICES FESTIVAL

GUEST LISTS

PRESS ROOM

SUPPORTERS

FAQ

PROGRAMS

MULTIMEDIA

MEMBERSHIP

WEB BLOG

CONTACT US

1000 WILSHIRE BLVD.

6440 WILSHIRE BLVD, 4TH FLOOR

BEVERLY HILLS, CA 90210

T (310) 422-4910

1000 15TH STREET NW, SUITE 400

WASHINGTON, DC 20005

T (202) 631-9470

200 BRADLEY STREET, SUITE 103

NEW YORK, NY 10002

T (212) 631-9470

